



**TOWN OF PEMBROKE
PLANNING BOARD**

1145 Main Rd., Pembroke, NY 14036

Minutes for the regular meeting held on September 28, 2011

ATTENDANCE:

- Chairman-Richard Kutter
 - Vice Chairman-Michael Herec
 - Michael Bakos
 - Linda Rindell
 - David Sabato
 - John Cima
 - David Knupfer
- Doneen Pfalzer-Acting Recording Secretary

PUBLIC PRESENT: J:J Truck Wash & Repair, Adam Walters, Andrew Kosa, Christine Collier, Darrell Richley, Gary Groth, and Sara Kerdrick.

MEETING called to order at 7:40 pm.
Chairman Kutter led the “Pledge of Allegiance”.

A MOTION to Approve the Minutes for the August 31, 2011 Planning Board Meeting was made by Linda Rindell, second to motion was made by David Sabato.

ALL AYES--MOTION CARRIED.

A MOTION to Approve the Town Board will act as lead agency on behalf of Genesee County Economic Development Center on their application for rezoning and subdivision for the Buffalo East Tech Park-North Campus, made by Michael Herec, second to motion was made by David Sabato.

ALL AYES--MOTION CARRIED.

PUBLIC HEARING

Joanne Schwartz

1166 Vision Parkway, Town of Pembroke

(Tax Map #15-1-30)

Application # 11.08.04

Request for a **SPECIAL USE PERMIT**

PUBLIC HEARING was called to order at 7:44 pm. The Notice of Public Hearing was printed in the Batavia Daily News as well as posted on the Town's bulletin board, and that Chairman Kutter read the Affidavit of Posting and discussed the Notice to Adjoining Property Owners.

- Ms. Schwartz is requesting to open a Truck wash, light repair shop and a tarp installation area.
- The application was sent to Genesee County Planning which requested a more detailed site plan.
- A revised site plan and a detailed water treatment proposal were provided to the Town of Pembroke Planning board.
- Chairman Kutter contacted the State Department of Transportation whom concluded No Traffic Study was required.

PUBLIC PARTICIPATION—There was no Public Participation.

On **MOTION** made by David Sabato, and seconded by David Knupfer, the Public Hearing closed at 8:00 pm.

ALL AYES—MOTION CARRIED.

On **MOTION** made by Michael Herec, and seconded by Linda Rindell, the following **RESOLUTION** was **ADOPTED** by roll call vote: Chairman Kutter; AYE, Michael Bakos; AYE, Linda Rindell; AYE, David Sabato; AYE, Michael Herec; AYE, John Cima; AYE, David Knupfer; AYE.

ALL AYES-MOTION CARRIED.

RESOLUTION #22 of 2011—JOANNE SCHWARTZ/SPECIAL USE PERMIT

Joanne Schwartz has submitted application #11.08.04 requesting a Special Use Permit for the property located at 1166 Vision Parkway, Town of Pembroke and identified as Tax Map #15.-1-30.

WHEREAS The Town of Pembroke Planning Board has made a detailed review of the Environmental Assessment Form and has been accepted at this meeting held on September 28, 2011.

NOW, THEREFORE, BE IT RESOVLED the Town of Pembroke Planning Board hereby determines that there will not be a significant impact on the environment and makes a Negative Finding of Non-Significance for the project.

On **MOTION** of a negative finding by John Cima, and seconded by Michael Herec, the following **RESOLUTION** was **ADOPTED** by roll call vote: Chairman Kutter; AYE, Michael Bakos; AYE, Linda Rindell ; AYE, David Sabato ; AYE, Michael Herec; AYE, John Cima; AYE, David Knupfer; AYE.

ALL AYES-MOTION CARRIED

RESOLUTION #23 of 2011—JOANNE SCHWARTZ/SPECIAL USE PERMIT

RESOLVED that said Special Use Permit is hereby approved by the Town of Pembroke Planning Board with the following stipulations.

- The applicant will submit water treatment plans to the Genesee County Health Department.
- No fluids shall be discharged into the ground water.
- A dyke will be constructed to collect waste water.
- Any effluent that is solid waste after filtration will be disposed of offsite.
- Truck parts must be stored in an enclosed area and not visible from outside the building.
- The property will be maintained in an esthetical state.
- Any addition of lighting will be shielded.

PUBLIC HEARING

Jeff Reynolds

9312 Colby Rd., Town of Pembroke

(Tax Map #24.-1-87)

Application # 11.08.02

Request for a **SPECIAL USE PERMIT**

PUBLIC HEARING was called to order at 8:31 pm. The Notice of Public Hearing was printed in the Batavia Daily News as well as posted on the Town’s bulletin board, and that Chairman Kutter read the Affidavit of Posting and discussed the Notice to Adjoining Property Owners.

- Mr. Reynolds is requesting a Special Use Permit to construct a pond.
- Mr. Reynolds did not attend the meeting.
- Genesee County planning approved the application with modifications.
- Genesee County Soil and Water granted approval.

PUBLIC PARTICIPATION—There was no Public Participation.

On **MOTION** made by Michael Herec, and seconded by Linda Rindell, the hearing was **TABLED** do to the lack of applicant participation.

PUBLIC HEARING

Darrell Richley

8973 Lake Rd., Town of Pembroke

(Tax Map #18.-2-33)

Application #11.08.03

Request for a **SPECIAL USE PERMIT**

PUBLIC HEARING was called to order at 8:40 pm. The Notice of Public Hearing was printed in the Batavia Daily News as well as posted on the Town’s bulletin board, and that Chairman Kutter read the Affidavit of Posting and discussed the Notice to Adjoining Property Owners.

- Darrell Richley is requesting a Special Use Permit to construct a pond.
- Genesee County Planning approved the application.
- Genesee County Water and Soil granted approval.

PUBLIC PARTICIPATION—There was no Public Participation.

On **MOTION** made by Michael Bakos, and seconded by John Cima, the Public Hearing closed at 8:45 pm.

ALL AYES--MOTION CARRIED.

On **MOTION** made by Michael Herec, and seconded by Linda Rindell, the following **RESOLUTION** was **ADOPTED** by roll call vote: Chairman Kutter; AYE, Michael Bakos; AYE, Linda Rindell; AYE, David Sabato; AYE, Michael Herec; AYE, John Cima; AYE, David Knupfer; AYE.

ALL AYES-MOTION CARRIED.

RESOLUTION #24 of 2011—DARRELL RICHLEY/SPECIAL USE PERMIT

Darrell Richley has submitted application #11.08.03 requesting a Special Use Permit for the property located at 8973 Lake Rd., Town of Pembroke and indentified as Tax Map #18.-2-33.

WHEREAS The Town of Pembroke Planning Board has made a detailed review of the Environmental Assessment Form and has been accepted at this meeting held on September 28, 2011.

NOW, THEREFORE, BE IT RESOVLED the Town of Pembroke Planning Board hereby determines that there will not be a significant impact on the environment and makes a Negative Finding of Non-Significance for the project.

On **MOTION** of a negative finding by Linda Rindell, and seconded by David Sabato, the following **RESOLUTION** was **ADOPTED** by roll call vote: Chairman Kutter; AYE, Michael Bakos; AYE, Linda Rindell ; AYE, David Sabato ; AYE, Michael Herec; AYE, John Cima; AYE, David Knupfer; AYE.

ALL AYES-MOTION CARRIED

RESOLUTION #25 of 2011—DARRELL RICHLEY/SPECIAL USE PERMIT

RESOLVED that said Special Use Permit is hereby approved by the Town of Pembroke Planning Board.

PUBLIC HEARING

Sara Kerdrick

8576 Lake Rd., Town of Pembroke

(Tax Map #14.-1-39)

Application # 11.08.05

Request for a **SPECIAL USE PERMIT**

PUBLIC HEARING was called to order at 8:58 pm. The Notice of Public Hearing was printed in the Batavia Daily News as well as posted on the Town's bulletin board, and that Chairman Kutter read the Affidavit of Posting and discussed the Notice to Adjoining Property Owners.

- Ms. Kerdrick is requesting a Special Use Permit to build a dwelling in a LC zone.
- A letter was provided by Charles McConnaughey stating Ms. Kerdrick could act as agent.

- Genesee County Planning approved the application.

PUBLIC PARTICIPATION—There was no Public Participation.

On **MOTION** made by Michael Bakos, and seconded by John Cima, the Public Hearing closed at 8:45 pm.

ALL AYES--MOTION CARRIED.

On **MOTION** made by Linda Rindell, and seconded by Michael Herec, the following **RESOLUTION** was **ADOPTED** by roll call vote: Chairman Kutter; AYE, Michael Bakos; AYE, Linda Rindell; AYE, David Sabato; AYE, Michael Herec; AYE, John Cima; AYE, David Knupfer; AYE.

ALL AYES-MOTION CARRIED.

RESOLUTION #26 of 2011—SARA KERDRICK/SPECIAL USE PERMIT

Sara Kerdrick has submitted application #11.09.01 requesting a Special Use Permit for the property located at 8576 Lake Rd., Town of Pembroke and identified as Tax Map #14.-1-39.

WHEREAS The Town of Pembroke Planning Board has made a detailed review of the Environmental Assessment Form and has been accepted at this meeting held on September 28, 2011.

NOW, THEREFORE, BE IT RESOLVED the Town of Pembroke Planning Board hereby determines that there will not be a significant impact on the environment and makes a Negative Finding of Non-Significance for the project.

On **MOTION** of a negative finding by David Sabato, and seconded by Michael Herec, the following **RESOLUTION** was **ADOPTED** by roll call vote: Chairman Kutter; AYE, Michael Bakos; AYE, Linda Rindell ; AYE, David Sabato ; AYE, Michael Herec; AYE, John Cima; AYE, David Knupfer; AYE.

ALL AYES-MOTION CARRIED

RESOLUTION #27 of 2011—SARA KERDRICK/SPECIAL USE PERMIT

RESOLVED that said Special Use Permit is hereby approved by the Town of Pembroke Planning Board.

GARY GROTH

Scribner Rd., Town of Pembroke

(Tax Map #18.-1-90)

Application #11.09.01

Request for a **LAND SEPARATION**

- Mr. Groth has submitted a request for a Land Separation of the property located at Scribner Rd., Town of Pembroke, Tax Map #18.-1-90.
- The Parcel will then be merged with Tax Map #18.-1-92 property located at Scribner Rd., Town of Pembroke meeting the requirements.

- Mr. Groth will submit a mylar and two paper copies of the split and merge.
- The deed is required to note that the split will be merged.

NO QUESTIONS WERE ASKED

On **MOTION** made by Linda Rindell, and seconded by John Cima, the following RESOLUTION was ADOPTED by roll call vote: Chairman Kutter; AYE, Michael Bakos; AYE, Linda Rindell; AYE, David Sabato; AYE, Michael Herec; AYE, John Cima; AYE, David Knupfer; AYE.
ALL AYES-MOTION CARRIED.

RESOLUTION #28 OF 2011 GARY GROTH/LAND SEPARATION

WHEREAS Gary Groth has submitted application #11.09.01 for a Land Separation for property located on Scribner Rd., Town of Pembroke and identified as Tax Map # 18.-1-90.

WHEREAS The Pembroke Planning Board has made a detailed review of the Environmental Assessment Form and accepted same at a meeting held on September 28, 2011.
NOW, THEREFORE, BE IT RESOLVED The Town of Pembroke Planning Board hereby determines that there will not be a significant impact on the environment and makes a Negative Finding of Non-significance for the project.

On **MOTION** of a Negative Finding by David Knupfer, and seconded by David Sabato, the following RESOLUTION was ADOPTED by roll call vote: Chairman Kutter; AYE; Michael Bakos; AYE, Linda Rindell; AYE, David Sabato; AYE, Michael Herec; AYE, John Cima; AYE, David Knupfer; AYE.
ALL AYES—MOTION CARRIED.

RESOLUTION #29 OF 2011—GARY GROTH/LAND SEPARATION

RESOLVED that Land Separation is hereby approved by the Town of Pembroke Planning Board.

DISCUSSION:

GCEDC appeared for an informational meeting, highlighting issues and providing answer to questions in preparation for the October meeting. They would like the Planning Board prepared to recommend rezoning and the subdivision to the Town Board. The GCEDC covered numerous environmental issues and has completed several studies.

A traffic study is complete and they will be preparing an additional plan consisting of a possible second entrance-exit on Route 5.

Various computerized pictures were provided showing the appearance of what the property may look like at full build out.

OLD BUSINESS

Board Education: Chairman Kutter will attend a program offered by Genesee County Planning, thus meeting his requirements for this year. Board members are also encouraged to attend.

NEW BUSINESS

Building and Codes expressed concern regarding the enforcement of codes and regulations.

Zoning District Change: A resident on Lake Road is seeking a zoning change from commercial to AG/R. There are four parcels zoned commercial that boarder AG/R. The property owners will be contacted for their input. A recommendation will be made to the Town Board at our next meeting.

A **MOTION** to adjourn the meeting, and set the next meeting to October 19th 2011 was made by Michael Bakos, and seconded by Michael Herec.

ALL AYES—MOTION CARRIED

Meeting Closed at 9:45 pm.

Respectfully Submitted,

Doneen Pfalzer
Acting Recording Secretary

These minutes are a draft only, subject to revision and or change prior to approval by the Town of Pembroke Planning Board.